

SENATE BILL 9013

By McNally

AN ACT to amend Tennessee Code Annotated, Title 4;
Title 14; Title 58; Title 68, Chapter 2 and Chapter
550 of the Public Acts of 2021, relative to public
health.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Tennessee Code Annotated, Title 68, Chapter 2, Part 6, is amended by adding the following as a new section:

Notwithstanding any law to the contrary:

(1) Upon declaration of a pandemic and until such pandemic ceases to exist, and for the purposes of effectively mitigating the impact of the pandemic, the governor has exclusive jurisdiction to issue executive orders and directives with respect to each county health department in this state, including a county health department created by private or public act prior to July 1, 1985, or by action of a county legislative body; and

(2) The commissioner of health and a local health department, board, entity, or official shall not supersede, vacate, contradict, or refuse to comply with such executive order or directive of the governor issued pursuant to subdivision (1).

SECTION 2. Section 4 of Chapter 550 of the Public Acts of 2021, as codified in Tennessee Code Annotated, Section 68-2-609, is amended by deleting subdivision (4).

SECTION 3. Tennessee Code Annotated, Section 68-2-603(a), is amended by deleting subdivision (6) and substituting:

(6) When the commissioner appoints a county health director pursuant to this subsection (a), the appointment shall be made by the commissioner in concurrence with the county mayor of the county for which the appointment is made. The mayor shall concur or not concur with the proposed appointee in writing within ten (10) days of notification of the appointment by the commissioner. If the mayor does not concur, the commissioner shall submit a different nominee to the county mayor for approval. If the mayor does not respond to the commissioner in writing within ten (10) days of notification of any commissioner appointee, the appointment is deemed to be approved.

SECTION 4. Tennessee Code Annotated, Section 68-2-603(c), is amended by deleting the language "including medical enforcement actions" and substituting "including medical enforcement actions at the direction of the commissioner or county mayor".

SECTION 5. Tennessee Code Annotated, Section 68-2-601, is amended by designating subsection (f) as subdivision (f)(2) and adding the following new subdivision (f)(1):

(1) Under advisement of the county board of health under subdivisions (f)(2)(B) and (C) and except as provided in Section 7, the county mayor has the power to issue orders as are necessary or appropriate to protect the general health and safety of county residents.

SECTION 6. Tennessee Code Annotated, Section 68-2-601(i), is amended by deleting the subsection and substituting instead the following:

(i) A county health department or board of health of a county in existence prior to July 1, 1985, remains in existence after the effective date of this act. The regulations of such departments and boards remain in full force in effect to the extent such regulations do not conflict with Sections 1 and 7 of this act.

SECTION 7. Tennessee Code Annotated, Title 14, is amended by adding the following new section:

(a) Notwithstanding any law to the contrary, the commissioner of health has the sole authority to:

(1) Determine quarantine guidelines for a person if the person tests positive for COVID-19. The quarantine of a person must be lifted if the person receives a negative antigen detection test result or a negative molecular diagnostic test result at any time during the quarantine period; and

(2) Determine quarantine guidelines for a private business for purposes of closing the private business or restricting the operation of the private business for purposes of COVID-19. The quarantine of a business must be lifted as soon as practicable after the commissioner is satisfied that conditions at the business do not present a serious public health and safety threat with respect to the spread of COVID-19.

(b) A local health agency, mayor, local governmental governing body, public or private school, or other governmental entity or local health entity or officer does not have the authority to quarantine a person or private business for purposes of COVID-19.

(c) The commissioner may only determine quarantine guidelines by rules promulgated pursuant to the Uniform Administrative Procedures Act.

(d) As used in this section:

(1) "COVID-19" means the novel coronavirus, SARS-CoV-2, and coronavirus disease 2019, commonly referred to as COVID-19, including any variant of SARS-CoV-2 or COVID-19;

(2) "Private business" means a person, sole proprietorship, corporation, limited liability company, partnership, trust, association, nonprofit organization described in § 501(c) of the Internal Revenue Code that is exempt from federal income taxation under § 501(a) of the Internal Revenue Code, 26 U.S.C. §

501(a), or any other legal or non-governmental entity whether formed as a for-profit or not-for-profit entity engaged in business or commerce in this state;

(3) "Public or private school" means any public or private elementary, secondary, or postsecondary school; and

(4) "Quarantine" means:

(A) Restrictions on a person's freedom of movement, isolation of a person, or preventing or restricting access to premises upon which the person or the cause or source of a disease may be found, for a period of time to prevent the spread of COVID-19; and

(B) Restrictions on or requirements for the operation of a business entity, including the closing of a business temporarily, to prevent the spread of COVID-19.

SECTION 8. Tennessee Code Annotated, Section 68-2-609(1), is amended by deleting the subdivision and substituting:

(1) Except as provided in Sections 1 and 7 of this act, the quarantine of any place or person, if the county health officer finds that quarantine is necessary to protect the public health from an epidemic;

SECTION 9. This act takes effect upon becoming a law, the public welfare requiring it.